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Statement by José Ramos-Horta,

1996 Nobel Peace Prize co-Laureate,

on behalf of

International Service for Human Rights,

Pax Christi International

and the

Movement Against Racism and for Friendship Among Peoples

Geneva, 8 April 1997

(DELIVERED BY: MRS. MILENA PIRES)

José Ramos-Horta is the Special Representative of the National Council of Maubere Resistance (CNRM),underground umbrella organisation based in East Timor comprising all East Timorese groups opposed to Indonesia's occupation and led by Xanana Gusmão. He is the 1996 Nobel Peace Co-Laureate with the Head of the Catholic Church of East Timor, Bishop Carlos Filipe Ximenes Belo.

Mr. President:

I thank you for giving me the floor.

As I speak before you today, I pay tribute to the memory of thousands of people who died in prison, torture chambers and streets in the hands of dictators. Their sacrifice has contributed immensely to the progress in the international awareness about human rights and in the UN protection mechanisms.

The Nobel Peace Prize attributed to my compatriot and good friend, Bishop Carlos Filipe Ximenes Belo, and myself, was a tribute to all those individuals and organisations struggling for the human rights and self-determination of peoples all over the world.

The presence every year in Geneva of hundreds of human rights defenders and victims is an evidence of the extremely serious human rights situations in many parts of the world, but also of the illusions and hope of many that there are some international legal remedies available to them.

Hence a major responsibility entrusted to the states to live up to their own obligations to uphold the principles enshrined in the numerous international human rights instruments. If the international community fails to hear the voices and grievances of the poor and the persecuted, there is a real danger that the entire UN and state-based human rights systems might become totally irrelevant. The consequences would be disastrous.

I must also pay tribute to those in government who over the years have done their best for the cause of human rights and resisted the easy temptation of pragmatism and realpolitk.

I do believe that NGOs and governments can work together. Indeed, only a strategic partnership between the NGOs and democratic governments of the North and South will advance the agenda for human rights and democracy.

The roots of the human rights violations in East Timor: the denial of the right to self-determination

The human rights situation in East Timor is intimately linked to the denial of the right of the people of East Timor to self-determination. Therefore, allow me, Mr. President, to elaborate on this fundamental human right.

The UN General Assembly and Security Council have adopted a total of 10 resolutions on the question of East Timor all reaffirming the right of self-

determination. In its ruling of 30 June 1995 on the *Case Concerning East Timor, Portugal Vs Australia,* the International Court of Justice stated that this right has an *erga omnes* character and that the East Timorese were entitled to it.

The current boundary of the Republic of Indonesia is a product of the Dutch East Indies administration. West New Guinea was absorbed by the Republic not because of any valid historical, cultural, ethnic kinship or geographic continuity. The only link that justified its forcible annexation was West New Guinea's brief colonisation by the Dutch.

A strict respect for the colonial boundaries, as unfair as most might be, has provided some peace and stability and kept most of Africa, Latin America and Asia from disintegrating.

There is genuine fear and suspicion among many states that self-determination leads to the break-up of the nation-states. However, this is unfounded. While the de-colonisation process of the non-self-governing territories almost always led to independence, this is not the case in most claims today.

I understand the legitimate concerns of countries in preserving their national unity and territorial integrity. Many developing countries, Indonesia being a prime example, experienced a traumatic nation-building process with numerous attempts from within and without to undermine the unity of the state.

I do not hold the view that an independent state has to be homogenous, ethnically, culturally or religiously. Examples abound of multi-ethnic states that live in peace, based on shared concerns and destiny, on a degree of genuine political and administrative autonomy for each component, and of deep respect for each others heritage and aspirations.

A pattern of gross and systematic violation of human rights

More than two decades after the invasion, the conflict in East Timor remains unresolved.

The massacre of 271 Timorese civilians in Dili on 12 November 1991 was not an isolated incident. It followed a well-documented pattern of gross and systematic human rights abuses in many parts of East Timor perpetrated by the members of the Indonesian armed forces.

The highest ranking officers in the Indonesian army had full knowledge of, and took active part in these atrocities. These violations are continuing today. Bishop Carlos Filipe Ximenes Belo, head of the Diocese of Dili, 1996 Nobel

Peace Prize co-Laureate, stated in a recent message addressed to this Commission dated 21 March 1997.

I quote:

"...prisoners are tortured, slapped around, kicked and punched. They are plunged into water tanks, burnt with cigarettes. The families of suspected youths know no peace at night: their houses are searched in the middle of the night, are showered with stones. Individuals are humiliated."

The arrogance and brutality of the Indonesian army have been once again demonstrated when on 23 March 1997 a peaceful assembly was fired on by the army. During a visit to East Timor by the Secretary-General's Personal Representative, Ambassador Jamsheed Marker of Pakistan, a group of 250 East Timorese students went to hotel Makota in Dili to deliver a petition to Mr. Marker.

While most of the students stayed outside, a small delegation entered the hotel at about 7AM requesting to see Ambassador Marker. They were met by an aide to Mr. Marker who received the petition. Suddenly, Indonesian troops and police opened fire on the students inside the hotel. Bayonet and batons were also used against them.

We now have evidence that four students were killed and at least 20 were seriously injured.

In Jakarta a group of 30 East Timorese students entered the Austrian Embassy on March 25. They demanded to see the UN Special Envoy. They were all arrested, questioned and subsequently released. However, two were murdered soon after their release the very same day.

I have with me photographic evidence of the Indonesian army's recent brutality. This happened right under the nose of the Special Representative of the Secretary-General. You can then imagine what is the daily life of the East Timorese under military occupation in one of the most isolated regions of the world.

I shall not elaborate any further on this and on the so many other cases of senseless killing in East Timor. The Special Rapporteur on Extra-judicial, summary or arbitrary executions, Mr. Bacre Waly Ndiaye, of Senegal, a much more authoritative person than I, has detailed at length the circumstances surrounding the 12 November 1991 massacre in Dili, as well as a pattern of widespread abuses.

His report was preceded by an earlier one, that of the Special Rapporteur on Torture, Prof. Peter Kooijman, of the Netherlands, who happened to be in Dili on 12 November 1991.

The US State Department 1996 report devotes a large section on the human rights situation in East Timor and I commend it for the honest effort in presenting the tragic reality in the territory as it is.

Mr. President:

Time and again the Indonesian government has levelled attacks against the FRETILIN movement and accused it of crimes that occurred in August 1975 during a brief but violent civil war in which this organization was involved with another East Timorese group, the União Democrática Timorese (UDT).

On more than one occasion, the FRETILIN leadership has accepted responsibilities for the violence and deaths of innocent people which occurred during the period August-December 1975. A crime is a crime and there is no acceptable intellectual or political justification for it.

The FRETILIN leadership has repeatedly called for an international investigation into the events that took place between August and December 1975 to ascertain the responsibilities of all parties during that period, and into the 22 years of Indonesian occupation after December 1975.

I urge the Indonesian government to show its good faith by accepting this challenge.

The East Timorese resistance leadership has stated its solemn commitment to uphold international human rights standards when the country is free.

In an independent East Timor, all international human rights treaties will be submitted to the Parliament for ratification. We believe that human rights transcend boundaries and prevail over state sovereignty.

We will seek the co-operation of UN human rights agencies as well as NGOs to assist us in our efforts to promote respect for human rights and the rule of law in our country

East Timorese now serving in the Indonesian administration in East Timor, the security forces and police will be invited to stay on as their full and active involvement in running the country will be necessary to insure a smooth transition. On day one of independence, we will proclaim a general amnesty and national reconciliation.

Our society will not be based on hatred and revenge. Because of its credibility and standing over the past twenty years, the Catholic Church will be expected to play a major role in the healing process of our society.

Our people are fortunate to have outstanding leaders, Xanana Gusmão as the political leader, and Bishops Carlos Filipe Ximenes Belo and Basilio de Nascimento, as the spiritual leaders, whose combined moral authority and vision will guarantee that the people of East Timor will heal the wounds of the war and embrace each other and their neighbours.

Human rights and "Asian values"

The movement for democracy, human rights and rule of law is irreversible. Even in our tortured region, Asia, unprecedented events are taking place.

The overthrow of the dictatorship in South Korea is of enormous significance for democracy and the rule of law in the entire Asia region. The brave people of Korea who endured decades of dictatorship won the struggle for democracy not with guns but peacefully confronting the troops in the streets of Seoul and Kwangju.

For the first time in the history of Asia, former heads of states and other leaders are being prosecuted for their crimes whilst in office. The people of South Korea are challenging the impunity of public office and the sacrosanct myth of national security interest, which allows leaders to imprison, torture and murder with impunity.

The situation in Burma demands action beyond the annual ritual of the UN General Assembly and CHR resolutions.

While I commend the US, EU and Norway for the moral stance they have taken and the modest punitive sanctions adopted so far, new initiatives must be pursued.

The military junta in Burma which defrauded the Burmese people and the international community should be denied a seat in the UN General Assembly, as the South African apartheid regime was denied a seat in the past.

In the late 70's, the ASEAN countries, supported by the US, also succeeded in blocking recognition of the government installed in Pnohn Penh after the Vietnamese intervention in 1978.

If the international community wishes to move beyond rhetoric and send a clear signal to the SLORC, the denial of its credentials by the GA Credentials Committee is one course of action to be considered.

The peoples of the Chittagon Hilltrack in Bengladesh, of Bougainville, Burma, Thailand, Tibet, the Philippines, South Korea, Assam and Nagaland in India, the democracy movements in China and Indonesia, the Ogoni people in Nigeria are telling the rest of the world that the struggle for democracy and human rights is not an invention of the West or of Western NGOs.

Throughout the sixties and seventies, we heard in this very room the argument that human rights and fundamental freedoms were a Western concept which stood against the collective rights espoused by the communist bloc.

The Stalinist regimes of Eastern and Central Europe led by the USSR attempted to derail the UN human rights bodies by injecting ideology into the human rights debate. Ironically with the collapse of the communist bloc this argument has been appropriated by the certain Asian regimes.

Countries in all parts of the world, Argentina, Brazil, Chile, Costa Rica in Latin America, or South Africa, Mozambique, Cape Verde, Botswana in Africa, or the Philippines, Malaysia, Thailand, South Korea in Asia stand out as living proof that human rights, fundamental freedoms, rule of law and democracy are universal values, they go hand in hand with economic development.

Tens of thousands of Argentineans, Brazilians, Chileans, Uruguayans, Paraguayans, Guatemalans, of South Africans and Philippinos were tortured, killed or exiled. Their sacrifice has not been in vain.

Although there are still some extremely serious human right situations in Latin America today that continent is a shining example of pluralism, democracy and economic progress.

No other country has endured more pain and humiliation than South Africa. Yet South Africa is today a model of tolerance, reconciliation and democracy for the rest of world. South African blacks, whites, Asians and mixed race are telling the rest of the world that human rights are universal, colour blind, and know no geographic boundaries.

Human rights violations must be forcefully denounced no matter where and how they occur, there must be caution in addressing the often complex political situations in certain regions and countries.

I believe that a grave injustice has been committed against the people of Kashmere in India and the Tamils in Sri Lanka, and that the international

community must seriously address these conflicts. However, the responsibility for these problems cannot be assigned only to the Indian and Sri Lanka governments, respectively.

There are other parties that must share the blame for the human rights violations taking place there and they must make a commitment in co-operating towards bringing about a peaceful resolution of these two conflicts.

The massacre of the Armenian people by the Ottoman empire, the Jewish holocaust, the wanton killing of the gypsies by the Nazis and the genocide of indigenous peoples in so many regions of the world, stand out as the most barbaric and shameful chapters of human history. Unfortunately, humanity has allowed similar crimes to continue till this very day.

The rights of Indigenous peoples

With regards to the violation of human rights and fundamental freedoms of the world's indigenous people a number of concrete actions can immediately be taken by the Commission on Human Rights: support the matters addressed in Item 24, Indigenous issues, acknowledge the link between the human rights problems and historical, ongoing depravation of ancestral rights over their land. Moreover, the indigenous peoples are calling for their right to full and direct participation within the UN, and in particular processes which directly affect their rights, lives and destinies.

I would like to express my support for the creation of a Permanent Forum for indigenous peoples within the UN. A declaration to protect their rights should be adopted, and this should be done before the Decade of the World's Indigenous People is over. However, this declaration should not contain any definition of the term "indigenous peoples", as this matter is an important aspect of the right to self-determination, which should not be prescribed or limited.

Justice Robert Jackson, Chief Prosecutor of the Nuremberg War Crime Tribunals, said:

"The wrongs which we seek to condemn and punish have been so calculated, so malignant and so devastating, that civilisation cannot tolerate their being ignored, because it cannot survive their being repeated".

The continuing persecution of the Kurds and the denial of their rights, the slaughter of more than one million peasants and Chinese merchants by the Suharto regime in Indonesia in 1965-66, the mass killings perpetrated by the Pol Pot regime on the Cambodian people, the tragedy in the Great Lakes region, the barbaric violence inflicted on the East Timorese and the peoples of West Papua, Moslems of Aceh, indigenous peoples of Kalimantan, Sulawessi and the

Moluccas, the repression of Palestinian rights are an indictement of the entire international community.

These crimes are continuing because those in government allow them to happen. The Jewish holocaust happened because the powers that be at the time chose pragmatism and appeasement over moral leadership and humanity. The defenceless Jews were a mere footnote to the apologists of realpolitik and pragmatism in their pursuit of appeasement towards Hitler.

Mr. President, your country is free today. You have an outstanding individual as Head of State. Vaclav Havel spent years in prison as did tens of thousands of others in Central and Eastern Europe, in the Baltic States, in the Russian gulags. As did Nelson Mandela. As Daw Aung San Suu Kji today. As my leader and brother, Xanana Gusmão, who is now serving an unjust prison sentence in Indonesia for the same crime, the crime of wanting freedom.

On this note, I will end with renewed hope that no matter the level of brute force used against us, our dreams will never die.

God bless you all. Thank you.